

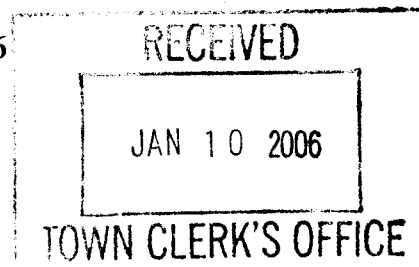


**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**Regular Session - JANUARY 9, 2006**

**AGENDA**

7:30 p.m. – Roll Call

Motion to accept minutes of **December 12, 2005** meetings as written.



**PRELIMINARY MEETINGS:**

1. **VASAL MONCZYN (06-01)** Request for 28 feet Rear Yard Setback for existing attached rear deck (G-5) at 170 Shaw Road in an R-1 Zone **(52-1-48)**
2. **ERICA GRASSI (06-02)** Request for 13.3 feet Side Yard Setback for proposed addition to existing single-family dwelling (300-10(6) at 64 Merline Avenue in an R-4 Zone **15-4-3**
3. **CALLAHAN/CREAGAN (06-03)** Request for 26,777 Minimum Lot Area; and 17.3 feet Rear Yard Setback as referred from Planning Board for proposed Lot Line Change at Fernandez Drive **(20-2-17.22 & 19)**
4. **EDWARD JACOPINO (d/b/a Faricellia's Market) (06-04)** Request for Use Variance for proposed Multi-family/Multiple Dwelling Use (increase in non-conformity); and Parking Variances for off-street parking of 5 spaces as referred from Planning Board for site at 238 Walsh Avenue in an R-4 Zone **(13-2-17)**

**PUBLIC HEARINGS:**

5. **JOHN LEWIS (05-74)** Request for Use Variance to build a single-family residence in a PI zone at 1113 River Road (20-2-49)
6. **LEWIS EVANGELISTO (for Detoro) (05-71)** Request for

**GARAGE:** .7 ft. Side Yard Setback and; 1.2 ft. Rear Yard Setback  
**SHED:** 7.5 ft. Side Yard Setback  
**HOUSE:** 17.5 ft. Front Yard Setback and; 1.5 ft. Side Yard Setback

For existing garage, shed and house at 45 Merline Avenue in an R-4 Zone **(13-12-14.1)**

7. **ROBERT MCKNIGHT, JR. (05-73)** Request for 4 ft. Side Yard Setback for Proposed 24' X 24' detached garage at 51 Birchwood Drive in an R-4 Zone **(40-1-1)**
8. **JORG FRISCHKNECHT (05-72)** Request for 7 ft. Maximum Building Ht. for proposed detached two-car garage at 2 Oak Ridge Drive in an R-4 Zone **(16-1-10)**

**FORMAL DECISIONS:**

**PUCCIO 05-43**  
**MOWBRAY 05-52**  
**MCGOVERN 05-44**  
**THOMPSON 05-46**

**GUALTIERI 05-57**  
**NADAS 05-47**  
**SCHILLER 05-48**  
**GARCIA 05-51**

**MANDATO 05-45**  
**PATRIOT PLAZA 05-53**  
**QUICK CHEK 05-54**

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TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS

JANUARY 9, 2006

MEMBERS PRESENT: MICHAEL KANE, CHAIRMAN  
KATHLEEN LOCEY  
KIMBERLY GANN  
HOWARD BROWN

ALSO PRESENT: MICHAEL BABCOCK  
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.  
ZONING BOARD ATTORNEY

MYRA MASON  
ZONING BOARD SECRETARY

ABSENT: LEN MCDONALD  
MICHAEL REIS  
STEPHEN RIVERA

REGULAR MEETING:

MR. KANE: I'd like to call the January 9, 2005  
meeting of the New Windsor Zoning Board of Appeals to  
order.

APPROVAL OF MINUTES DATED DECEMBER 12, 2005

MR. KANE: Motion to accept the minutes of December 12,  
2005 meeting as written.

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MS. GANN: So moved.

MS. LOCEY: Second it.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

PRELIMINARY\_MEETINGS:

\_\_\_\_\_  
VASAL\_MONCZYN\_(06-01)  
\_\_\_\_\_

MR. KANE: Request for 28 ft. rear yard setback for existing attached rear deck at 170 Shaw Road.

Mr. and Mrs. Vasal Monczyn appeared before the board for this proposal.

MR. KANE: Come on up here. Let me explain in the Town of New Windsor we have two meetings, a preliminary meeting so we can get a general idea of what you want to do, make sure you have what you need for the public hearing, as with anything in the zoning board our decisions have to be made at a public hearing. Some towns you go straight in cold, if you don't have what we want you lose. So this gives us a chance to find out what's going on. So tell us what you want to. State your name and address, speak loud enough so the young lady can hear you.

MRS. MONCZYN: We're trying to sell our house and we want the deck to stay there if possible.

MR. KANE: So you had an existing attached rear deck?

MR. MONCZYN: Yes.

MRS. MONCZYN: It was 20 years old.

MR. KANE: That was my next question about approximately 20 years?

MR. MONCZYN: Yes.

MR. KANE: Did you build it?

MR. MONCZYN: We had it built.

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MR. KANE: Did you receive a permit at the time that you built it?

MR. MONCZYN: We didn't know, we didn't know, the builder didn't know.

MR. KANE: Most of these are going to be the same questions we're going to ask you in the public hearing.

MR. MONCZYN: The cows in the back didn't mind.

MR. KANE: Create any water hazards or runoff?

MR. MONCZYN: No.

MR. KANE: Cut down any substantial vegetation or trees in the building of the deck?

MR. MONCZYN: No.

MR. KANE: Town water or sewer, any easements?

MR. MONCZYN: No, we've got our own well, we're on septic, no easements.

MR. KANE: Has there been any complaints about the deck formally or informally to you?

MR. MONCZYN: No.

MR. KANE: Deck's the same as other decks in your neighborhood in size and nature, not overly big, similar?

MR. MONCZYN: Similar.

MR. KANE: Fairly similar not exact but--

MRS. MONCZYN: Right.

MR. MONCZYN: Matter of fact our neighbors use it more than we do, it's close to the pond, we've got the grill there.

MR. KANE: You also have a door coming off?

MR. MONCZYN: Yes.

MR. KANE: There's a gate going there so obviously without the deck there it would be a safety hazard?

MR. MONCZYN: Yes, the children, you know, lock type gate.

MR. KANE: Self-closing self-latching?

MR. MONCZYN: No, you have to lock it, physically have to lock it because we had a child proof lock on it with the kids.

MR. KANE: All right, any questions?

MS. GANN: Accept a motion?

MR. KANE: This isn't the public hearing so everything is formally at a public hearing.

MR. FERANDA: My name is Phil Feranda, I'm their real estate broker. They have an accepted purchaser of the home as it is, the lady has a mortgage and everything is in place for them to be able to close and move to Florida except this one detail and it's causing a problem with them being able to sell the house.

MR. KANE: Understand.

MR. FERANDA: I know Thelma said they're trying to sell the house, they're not just trying, it's sold so--

MR. KANE: Well, we're going to approve you for the

public hearing, we're going to give you a little piece of paper as fast as you get that done, get it back in we'll get you here for a public hearing and get you back out.

MR. MONCZYN: How soon is that? Any idea?

MR. KANE: You have to get the mailings, they have to be in the paper ten days before the public hearing, so it might be tough for the second hearing in January, might make the first hearing in February.

MR. MONCZYN: I can hand deliver to my neighbors.

MS. MASON: We have one hearing in February near the end. I'm trying as best I can to have anything in place, everything for the second one in January but I can't promise it, I'm just trying.

MR. MONCZYN: She's even willing to sign a statement.

MR. KANE: Nothing we can do to speed it up, the ten days in the newspaper.

MR. MONCZYN: My neck's in a noose now.

MR. KANE: We'll give you the list with everything in it as fast as you can move we'll do everything possible to get you on the agenda, you'll speak to Myra on that. May I have a motion?

MS. GANN: I'd like to make a motion that we set up Vasal Monczyn for a public hearing for the request for 28 feet rear yard setback for existing attached rear deck at 170 Shore Road in an R-1 zone.

MR. BROWN: Second the motion.

ROLL CALL

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MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE



ERICA\_GRASSI\_(06-02)

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MR. KANE: Request for 13.3 feet side yard setback for proposed addition to existing single family dwelling at 64 Merline Avenue.

Mr. Robert Grassi appeared before the board for this proposal.

MR. KANE: You're going to speak up a little bit.

MR. GRASSI: I'm Erica's father, Robert R. Grassi, Robert Richard Grassi.

MR. KANE: You're also the contractor?

MR. GRASSI: Yes.

MR. KANE: Addition is going on the chimney side?

MR. GRASSI: Yes.

MR. KANE: How big?

MR. GRASSI: We want to come out 15 feet the length of the house.

MR. KANE: And then the length of the house?

MR. GRASSI: Right.

MR. KANE: That leaves you 13.3 for the side yard, Mike, did the side yard change?

MR. BABCOCK: Yes.

MR. KANE: It's 15?

MR. BABCOCK: No, it's 20 now, Mr. Chairman, just a little clarification the addition is 17 feet wide just

so we can get the numbers right.

MR. KANE: Okay.

MR. BABCOCK: And the requirement in this zone was 15 and it's changed to 20 to today's standard since he needs a variance he doesn't meet the 15 neither so we made him use the 20 the new regulations.

MR. KANE: Okay, with the building of the addition I'm asking obvious questions, cutting down any substantial vegetation or trees?

MR. GRASSI: No.

MR. KANE: Creating any water hazards or runoff?

MR. GRASSI: No.

MR. KANE: Town water and sewer?

MR. GRASSI: Town water and sewer, it's on the opposite side of the house.

MR. KANE: No easements running through where you want to put the addition?

MR. GRASSI: No.

MR. KANE: With the addition going on the house will that keep that house the same in size and nature for your neighborhood?

MR. GRASSI: Oh, yes.

MR. KANE: Not going to make it overly big?

MR. GRASSI: A guy put one down the street twice the size.

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MR. KANE: Any other questions? Accept a motion.

MR. BROWN: Make a motion that we set up Erica Grassi for a public hearing request for 13.3 feet side yard setback for proposed addition to existing single family dwelling at 64 Merline Avenue.

MS. LOCEY: Second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

CALLAHAN/CREAGAN\_(06-03)

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MR. KANE: Request for 26,777 minimum lot area and 17.3 feet rear yard setback as referred from Planning Board for proposed lot line change at Fernandez Drive.

Mr. William Hildreth appeared before the board for this proposal.

MR. KANE: How you doing?

MR. HILDRETH: My name is Bill Hildreth, I'm a land surveyor that prepared the plan. What we're dealing with here is a basically a swap of back yards, it consists of a little over half an acre taking from one lot, Creagan lot and add it to the Callahan lot. Since both lots start out as non-conforming to the current standards, we obviously need some variances, some of the non-conformances that exist will be either eliminated or decreased, we'll be creating two new substandard numbers lot area for the Creagan lot and what the heck was the other one, oh, back yard rear yard for the Creagan lot because we're making it smaller.

MR. KRIEGER: It's already two lots just a question of--

MR. HILDRETH: Not creating any more lots but we're creating a need for a rear yard variance on the Creagan lot when none was there under its original.

MR. KRIEGER: But when you said just wanted it straight when you said creating lots there are already two lots turning two lots into two lots.

MR. HILDRETH: Yes, there's no subdivision here and create two lots adjoining each other in such a way that basically it's the same back yard for either lot, they're just switching ownership. The Creagan lot is

owned by Mrs. Creagan, she's an elderly woman being cared for by her son and she's never used this back yard and the Callahans recently purchased the other lot expressed an interest financially, it will work out for the Creagans so we're here. The variances we need are for lot area on the Creagan lot because we're making it smaller, they're going to end up with 16,780 which is still bigger than any of the other lots that touch it.

MR. KANE: Still bigger?

MR. HILDRETH: Right, this is not in any way, shape or form out of character with the neighborhood at all.

MR. KANE: The lot size?

MR. HILDRETH: Not at all.

MR. KANE: Considered a big lot in that area.

MR. HILDRETH: The Creagan lot is one of the larger lots and the end result is the Callahan lot is going to be slightly smaller than the Creagan lot was to start with, again, not out of character with the neighborhood.

MR. KANE: The original property was this and this was this little?

MR. HILDRETH: Correct.

MR. KANE: We're going to go with this dark line right here?

MR. HILDRETH: You have it absolutely right. Now you can see and that plan that I have drawn that's the limits of the back yard that's been maintained by the Creagan lot for a long time so the rest of it was just unused. I can't wait for you to ask me one of the questions you're going to ask.

MR. KANE: Creating any water hazards or runoffs?

MR. HILDRETH: No, there's no improvement required or proposed as part of this lot line change.

MR. KANE: Michael, the 17.3 is that off of this house here from the deck?

MR. HILDRETH: Right, we need and we only have 32.7.

MR. KANE: Okay.

MR. BABCOCK: Again 50 foot requirement is the new zoning, didn't pertain to these houses when they were built.

MR. HILDRETH: 32.7 is not out of line.

MR. KANE: No, it's not, it's not as bad as it looked first coming in. I think we answered the questions about the character, you know all the preliminary stuff anyway. Accept a motion.

MS. LOCEY: Yes, I'll make a motion to schedule a public hearing on the application of Callahan/Creagan regarding request for 26,777 minimum lot area and 17.3 foot rear yard setback as referred from the planning board for a proposed lot line change at Fernandez Drive.

MS. BROWN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

EDWARD\_JACOPINO\_(D/B/A\_FARACELLIA'S\_MARKET)\_(06-04)

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Daniel Bloom, Esq. appeared before the board for this proposal.

MR. KANE: Request for use variance for proposed multi-family/multiple dwelling use, (increase in non-conformity) and parking variances for off-street parking of 5 spaces as referred from planning board for site at 238 Walsh Avenue.

MR. BLOOM: Good evening, gentlemen and ladies, I'm Dan Bloom and I represent the Jacopinos this evening. And we will at the public hearing if established by this board of course have our architect, Mr. Coppola, but I felt in the interest of timing we would let myself try to fill the gap for Mr. Coppola on the presentation this evening in terms of the site plan.

MR. KANE: Needless to say, I don't have to remind you what's involved with a use variance.

MR. BLOOM: Yes, thanks for the reminder.

MR. KRIEGER: I might also add--no, I'll call you on the phone talk to you about this.

MR. BLOOM: Very well, thank you. As the site plan indicates, my clients have resided at this property, they reside in the basement portion of the existing store, at the present time they reside in the basement, the top floor, the floor you see there the first floor we'll call it is the existing deli and to the rear of it is an existing one family residence and to the left of it as you face Walsh Road there's another residence to the left. What we're proposing my clients are proposing to do is to construct a second story on the building so as to add 2 residential apartments. First of all, we're dealing with a use variance and as you quite aptly plant pointed out we're dealing with a very

high burden of proof, we're prepared to present that but in terms of relevance of the request my clients have been there since 1968, about five or six or seven or eight years ago they decided because the economy was going down in terms of their sales they decided they'd try to sell the property and they tried literally for that period of time, they can't sell it. So about 15 years ago they finally decided we can't sell it we have to make a living, make the best of it, they decided what they'd do is see if they could hang on and develop a trade through extending credit, they're being hurt substantially by competition with the new stores in the general vicinity. So what my clients do is extend credit to people on Social Security, so when the checks come in they can pay their bills, extend credit to other people who when the paychecks come in once a week. I'm going to respectfully submit that they fulfill a need in the community and what they're proposing to do is just raise enough money to make it bearable, make it possible for them to stay and continue doing that. The presentation that will be made at public hearing will I respectfully submit demonstrate to the board that what they're proposing will not change the character of the neighborhood, it's not at all out of character of the nature of this neighborhood, as you know, it's a mix, it's commercial, it's residential, it's more than one story in many cases but what they're going to propose is tasteful and modest. There was a reference and need for bulk variance for five off-site spaces, that's no longer necessary because they're going to be able to get a space from a neighbor and we think that we can deal with that issue in that fashion so we'll be limiting the presentation to the use variance request. I will present expert testimony on the issue of--

MR. KANE: Reasonable return would seem to be a very tough issue.

MR. BLOOM: I've got an expert to come in on that issue



as well as a report which is going to be submitted with tax returns under oath in terms of existing income and how that income has been depreciated over the years because of outside forces.

MR. KANE: Okay, nothing else needs to be said I don't think at this point, we need to hear from the public. Any questions?

MR. BROWN: No.

MR. KANE: With the use variance, there's a lot of issues that you know we have to cover by the state so-- We're going to remove the parking spaces from the agenda?

MR. BLOOM: We can remove the parking spaces from the application, yes.

MR. KANE: Mike, you're all right with that?

MR. BABCOCK: I need to know how they're going to accomplish that, I haven't talked to anybody yet.

MR. BLOOM: We have a neighbor who's indicated to my clients in writing that he's going to extend a permanent easement to provide the necessary parking.

MR. BABCOCK: Okay.

MR. BLOOM: Easement to run with the land, however, I will defer to you, Mike, if you feel it should remain on.

MR. KANE: Would it be better to cover that in the meeting and have the easement brought in during the meeting?

MR. BABCOCK: I don't see any harm in leaving it on here for right this minute and then we can discuss this

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by the time they come back for the public you're going to discuss it with Andy to make sure that if the parking works out then they don't need it, that's fine.

MR. KANE: I think you're better keeping it on.

MR. BABCOCK: There's the issue of parking on somebody else's property, can you use that and Andy's got to be, I mean when Andy, if Andy's happy with it we'll be happy with it.

MR. KANE: It's his job.

MR. BABCOCK: Yes.

MR. BLOOM: Thank you for the suggestions.

MS. MASON: For now leave it on?

MR. KANE: Yes. I'll accept a motion.

MS. GANN: Offer a motion that we set up Edward Jacopino for his request for use variance for the proposed multi-family multi-dwelling use and parking variances for off-street parking of 5 spaces as referred from the planning board for site at 238 Walsh Avenue in an R-4 zone.

MR. BROWN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

PUBLIC\_HEARINGS

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JOHN\_LEWIS\_(05-74)

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MR. KANE: Request for use variance to build a single family residence in a PI zone at 1113 River Road.

Mr. John Lewis appeared before the board for this proposal.

MR. KANE: Is there anybody in the audience for this particular hearing? We're just going to get your name and address for the record, when the public portion's opens, you'll be allowed to speak or ask whatever questions you have at that point. Okay, John, same as in the preliminary hearing, tell us what you want to do.

MR. LEWIS: Yes, I'm presently there's a vacant piece of lot formally there was a three family residence there that was demolished, presently we're proposing construction of a single family residence there which would like be in comparison to the adjacent property which is approximately 29 by about 35, 45, the property will be the same criteria and probably larger space than the, than any property in the local area in comparison to any other property around there it's probably about the third largest property in the local area on the same street.

MR. KANE: So we're going to for the use variance you've got to address the 5 points that the state covers so it's a self-created hardship.

MR. LEWIS: At this point in time we cannot build anything there because of the--

MR. KANE: Need to address that nothing can be built there.

MR. LEWIS: Yeah, there's nothing that can be built there, built there due to the present variance which is on hand, the planned industrial variance which is there, we have looked at anything that can be constructed there because of the location of the property, proximity to the curve and all that you cannot build anything that will bring you into the main entrance to River Road. So commercial can't go there cause the space is too small, can't provide no parking space, we cannot open any entrance road as I spoke to the transportation person, he told me he would not allow me to put any road entrance to River Road so my only access would be Cullen which is a small road.

MR. KANE: Reasonable return?

MR. LEWIS: The property right now as it is it will not, the only thing I can do is to build a single-family home there, looking for construction of a single-family home there or else I will just keep paying taxes on the property.

MR. KANE: There's nothing else in the zoning for PI zone currently that will fit on that specific property?

MR. LEWIS: No, everything else required more parking space, biggest issue is parking space and the fact that you cannot enter into River Road, the transportation guy told me he will not allow me to do that.

MR. KANE: You still couldn't build a commercial?

MR. LEWIS: Could not build any commercial building there.

MR. BABCOCK: The minimal lot area in a PI zone is 40,000 feet, this lot is--

MR. LEWIS: This is 8,581 square feet.

MR. BABCOCK: --8,000.

MR. KANE: So in keeping in with the nature of the neighborhood the only thing you really can put in is a single family home.

MR. LEWIS: Yes, single family home, all the properties left and right are all multi-families, it will be the same height but it will be a single-family home.

MR. BABCOCK: And there was a three-family home there, when was that built the three-family home, do you know?

MR. LEWIS: The only thing I know about it is the demolition which took place somewhere in the at least the record that I could find which was last record was somewhere around the middle of the '80s.

MR. KANE: You're not going in on the same footings are you?

MR. LEWIS: No, no, I will go back from the foundation up.

MR. KANE: I think at this point what I'm going to do is open it up to the public and ask if you have any questions. Come on up, state your name and address please and we can show you what's going on.

MR. OSTNER: My name is Richard Ostner, 82 Bethlehem Road, New Windsor. Now who had this property before you, Lou Tracey?

MR. BABCOCK: Bill Klein, William Klein owned it.

MR. LEWIS: Yeah.

MR. OSTNER: You're entering on River Road you say?

MR. KANE: No, no entrances on River Road.

MR. LEWIS: No entrances allowed because of the curve less than five hundred feet away.

MS. GANN: Cullen Avenue.

MR. OSTNER: I have property over on this side that big hole I own that. As far as I'm concerned, I've got no objections.

MR. KANE: No objection, thank you.

MR. OSTNER: Thank you.

MR. KANE: Anybody else in the audience? At this point, we'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On December 22, I mailed out 29 envelopes and had no response.

MR. KANE: Okay.

MR. KRIEGER: Because it's a use variance you have to do the, you have to have the SEQRA vote first.

MR. KANE: Okay.

MR. KRIEGER: We have a combined public hearing, it is necessary for the board to review the application under the State Environmental Quality Review Act to determine whether there's a type of action which I believe to be unlisted and if you agree with me, then you have to have a vote to declare a either a positive or negative declaration, positive declaration means that either there are environmental impacts or there might be, a negative declaration means that there in your mind definitely are not.

MR. KANE: We'll need one of you to make that motion.

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MS. LOCEY: I'll offer a motion to declare this an  
unlisted action and to make a negative declaration.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

MR. KRIEGER: Now you're free to vote on the variance.

MR. KANE: I'll accept a motion.

MR. BROWN: I'll make a motion that we accept John  
Lewis' request for a use variance to build a single  
family residence in a PI zone at 113 River Road.

MS. LOCEY: I'll second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

LEWIS\_EVANGELISTO\_(FOR\_DETORO)\_(05-71)

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MR. KANE: Request for garage, .7 ft. side yard setback and 1.2 ft. rear yard setback, shed, 7.5 side yard setback, house, 17.5 front yard setback and 1.5 foot side yard setback for existing garage, shed and house at 45 Merline Avenue.

Mr. Lewis Evangelisto appeared before the board for this proposal.

MR. EVANGELISTO: Lewis Evangelisto for Tom Detoro. I want to sell the house, Tommy's in a home, I have power of attorney and I need variances to sell the home.

MR. KANE: Let's take them one at a time, okay. The garage itself you need a side yard, how long has the garage been up?

MR. EVANGELISTO: Twenty years maybe plus, yeah.

MR. KANE: And the shed?

MR. EVANGELISTO: I would say within 15 years.

MR. KANE: And the house?

MR. EVANGELISTO: '73 or '75.

MR. KANE: Any complaints formally or informally about any of the three?

MR. EVANGELISTO: No.

MR. KANE: That you know of?

MR. EVANGELISTO: None.

MR. KANE: With the building of these to your knowledge was there any creation of water hazards or runoffs?



MR. EVANGELISTO: None.

MR. KANE: Any cutting down of substantial vegetation or trees?

MR. EVANGELISTO: No.

MR. KANE: Any easements running through the area?

MR. EVANGELISTO: No.

MR. KANE: The home on town water and sewer?

MR. EVANGELISTO: As far as I know, yes.

MR. KANE: And obviously it would be financially not viable to move the garage the house or the shed?

MR. EVANGELISTO: Of course not.

MR. KANE: I have to ask. At this point, I will open it up to the public and ask if anybody's here for this particular hearing. Nobody cares. We'll close the public portion and ask Myra how many mailings we had.

MS. MASON: On the 22nd of December, I mailed out 104 envelopes.

MR. EVANGELISTO: Out of 104 I received 4 back, they could not be delivered and 3 are on Lawrence Avenue.

MR. KANE: Front yard setback the house itself is it closer to any other homes that are on that street to the road?

MR. EVANGELISTO: No.

MR. KANE: Or about the same?

MR. EVANGELISTO: About the same right down the line.

MR. KANE: Any other questions? I'll accept a motion.

MS. LOCEY: I'll offer a motion regarding the application of Lewis Evangelisto that we grant the requests for the various variances, number one for a garage .7 foot side yard setback and 1.2 foot rear yard setback, for the shed, 7.5 foot side yard setback and for the house 17.5 foot front yard setback and 1.5 foot side yard setback for existing garage, shed and house at 45 Merline Avenue in an R-4 zone.

MR. BROWN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

ROBERT\_MCKNIGHT, \_JR.\_ (05-73)

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Mr. Robert McKnight, Jr. appeared before the board for this proposal.

MR. KANE: Request for 4 ft. side yard setback for proposed 24' x 24' detached garage at 51 Birchwood Drive.

MR. MCKNIGHT: Again, we just want to put up a two car garage detached because the initial one was back around the back of the house, now we're going straight down the driveway.

MR. KANE: Cutting down any trees or substantial vegetation in the building?

MR. MCKNIGHT: No.

MR. KANE: Creating any water hazards or runoffs?

MR. MCKNIGHT: No.

MR. KANE: Any easements running through the area where you propose to put the garage?

MR. MCKNIGHT: None, a little grass, that's it.

MR. KANE: Do other homes in your area have garages similar in size?

MR. MCKNIGHT: There's a few, most of them were built again on the house but some of them had to put detached garages because as I said the design was so that you go down the driveway and there's a sharp turn to go around the house, that's where we got the idea from some of the other people in the neighborhood.

MR. KANE: Because of the way the property's situated that's about the only place you can put that garage to

go straight in for requiring the 4 foot side yard setback?

MR. MCKNIGHT: Yes.

MR. KANE: At this point, I'll ask if there's anybody here in the audience for this particular hearing? We'll close the public hearing and ask Myra how many mailings.

MS. MASON: On December 22, I mailed out 84 envelopes and had no response.

MR. KANE: Any further questions? I'll accept a motion.

MR. BROWN: I'll make a motion that we grant Robert McKnight, Jr.'s request for 4 foot side yard setback for a proposed 24 x 24 detached garage at 51 Birchwood Drive in an R-4 zone.

MS. GANN: Second that motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

January 9, 2006

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JORG\_FRISCHKNECHT\_(05-72)

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MR. KANE: Tonight's last public hearing is not here.

FORMAL DECISIONS:

1. PUCCIO
2. MOWBRAY
3. MCGOVERN
4. THOMPSON
5. GUALTIERI
6. NADAS
7. SCHILLER
8. GARCIA
9. MANDATO
10. PATRIOT PLAZA
11. QUICK CHEK

MR. KANE: Okay, at this point, I will ask you guys if you want to take all the formal decisions in one vote? I'll accept a motion on that.

MS. LOCEY: I'll offer a motion to accept the formal decisions as presented on the agenda for January 9, 2005.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

MR. KANE: Motion to adjourn?

MS. GANN: So moved.

MR. BROWN: Secoond it.

ROLL CALL

MS. GANN	AYE
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January 9, 2006

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MS. LOCEY	AYE
MR. BROWN	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer